

REMARKS

I. STATUS OF THE CLAIMS

Claims 4 and 20-24 are "objected to".

New claim 26 is added, and corresponds to "objected to" claim 4 written in independent form. Therefore, it is respectfully submitted that claim 26 should be allowable.

In view of the above, it is respectfully submitted that claims 1-26 are currently pending.

II. OBJECTION TO THE DRAWINGS

The Examiner asserts that "sliding the first and second grippers" and the array being moved by "rotating the first and second grippers" must be shown in the drawings or the features canceled from the claims.

"Sliding" is described, for example, in paragraph [0027] of the specification, with reference to FIG. 2. See also paragraph [0029] of the specification.

Paragraph [0029] also describes "rotating", with reference to FIG. 3.

See also, for example, paragraph [0032] relating to "sliding" and "rotating".

Therefore, the specification refers to the operation of the elements shown in the figures. It is respectfully submitted that such reference to the operation of the elements in the figures is sufficient to meet the requirements of the PTO with respect to disclosure in the drawings.

In view of the above, it is respectfully requested that the objection be withdrawn.

III. REJECTION OF CLAIMS 1, 2, 12, 13 AND 19 UNDER 35 USC 112, SECOND PARAGRAPH

The Examiner notes that there is insufficient antecedent basis for "the first and second gripping members" in claim 19. Therefore, claim 19 is amended to correct this matter. In view of the Examiner's comments in item 6 on page 5 of the Office Action, it is respectfully submitted that claim 19 should now be allowed.

The Examiner asserts that there is insufficient structure recited in claims 1, 2, 12 and 13 to support the functionality recited in these claims.

However, it is respectfully submitted that the wording of the claims is proper and acceptable. For example, with respect to functional recitations, MPEP 2173.05(g) states: "Functional language does not, in and of itself, render a claim improper".

MPEP 2173.05(g) further states: "A functional limitation is often used in association with an element ... to define a particular capability or purpose that is served by the recited element".

Further, MPEP 2173.05(g) gives various examples of acceptable language by stating the following:

In a claim that was directed to a kit of component parts capable of being assembled, the Court held that limitations such as "members adapted to be positioned" and "portions ... being resiliently dilatable whereby said housing may be slidably positioned" serve to precisely define present structural attributes of interrelated component parts of the claimed assembly. *In re Venezia*, 530 F.2d 956, 189 USPQ 149 (CCPA 1976)

In view of the above, it is respectfully requested that the rejection be withdrawn.

IV. REJECTION OF CLAIMS 1, 3-18 AND 25 UNDER 35 USC 102(B) AS BEING ANTICIPATED BY ROGOVEIN (US PATENT NO. 5,425,565)

Rogovein was not listed on the Form PTO-892 provided with the outstanding Office Action. Therefore, with the next action, it is respectfully requested that the Examiner provide a Form PTO-892 listing Rogovein.

Claim 1 specifically recites that the first and second gripping members mechanically move "independently" of each other to grip the array between the first and second gripping members. See also claim 18.

Rogovein discloses gripper arms 92 and 102. However, it is respectfully submitted that gripper arms 92 and 102 do not move independently of each other. More specifically, gripper arm 92 is controlled by cylinder 83, and gripper arm 102 is controlled by cylinder 94. Pneumatic cylinder 82 controls both cylinder 83 and cylinder 94 in the exact same manner at the exact same time, thereby causing gripper arms 92 and 102 to be controlled in the exact same manner at the exact same time. Therefore, gripper arms 92 and 102 cannot move separately from each other. See, for example, FIGS. 1 and 8, and the disclosure in column 7, lines 44-57, of Rogovein. See also column 8, lines 2-16; and column 8, lines 46-66, of Rogovein.

In view of the above, it is respectfully submitted that the rejection is overcome.

V. REJECTION OF CLAIMS 1 AND 2 UNDER 35 USC 102(B) AS BEING ANTICIPATED BY KOEHLER (US PATENT NO. 6,182,814)

Claim 1 is amended herein to recite that the first and second gripping members carry the gripped array via gripping force between the first and second gripping members. Support for the amendment is found, for example, in paragraphs [0030], [0036] and [0044] of the specification.

In Koehler, a stop finger 70 is inserted before each slug of items to partition slugs and to

prevent slugs from moving too fast. A pushing finger 80 is inserted after each slug to push the slug. See, for example column 1, lines 41-54, of Koehler. However, the fingers of Koehler do not carry a slug via gripping force between the fingers.

In view of the above, it is respectfully submitted that the rejection is overcome.

VI. CONCLUSION

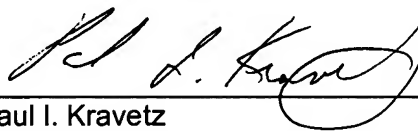
In view of the above, it is respectfully submitted that the application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If any further fees are required in connection with the filing of this response, please charge such fees to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: 
Paul I. Kravetz
Registration No. 35,230

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501